

**B. REMARKS**

In this reply, new Claims 16-60 have been added. Thus Claims 1-60 are now pending in the application. The new claims do not add any new matter to this application. Each issue raised in the final Office Action mailed May 18, 2004 is addressed hereinafter.

**REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. § 102(e)**

Claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Sladek et al.*, U.S. No. 6,622,016 (hereinafter "*Sladek*"). It is respectfully submitted that Claims 1-15 are patentable over *Sladek* for at least the reasons provided hereinafter.

**CLAIM 1**

Claim 1 recites a method to systematically analyze a next generation telecommunications network to result in creating a provisioning plan and procedures for provisioning the network to provide services for one or more subscribers that requires:

- creating and storing information that represents a logical decomposition of the next generation network into a plurality of discrete functional areas;
- analyzing the information representing the functional areas to identify one or more provisioning requirements for each of the functional areas;
- defining one or more provisioning procedures and identifying one or more required provisioning tools for each of the functional areas, based on the provisioning requirements; and
- creating and storing a sequence of execution of the procedures and tools as the provisioning plan.

As is well understood, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) MPEP §

2131. It is respectfully submitted that Claim 1 is patentable over *Sladek* because Claim 1 includes one or more limitations that are not taught or suggested by *Sladek*.

For example, it is respectfully submitted that the Claim 1 limitation of “creating and storing information that represents a logical decomposition of the next generation network into a plurality of discrete functional areas” is not taught or suggested by *Sladek*. *Sladek* describes modifying a subscriber profile in response to a designated stimulus to provide a service overlay, which may including adding, removing or changing subscriber services. The designated stimulus is not limited to a subscriber location, as was done with prior tiered service approaches. The various figures of *Sladek* and accompanying descriptions relate to telecommunications arrangements with various network elements. There is no teaching or suggestion in *Sladek* of logically decomposing a telecommunications network into discrete functional areas.

The final Office Action asserts that the limitation of “creating and storing information that represents a logical decomposition of the next generation network into a plurality of discrete functional areas” is taught by FIGS. 2 and 3 of *Sladek*. FIG. 2 of *Sladek* depicts a telecommunications network with various network elements including serving systems and central control points. FIG. 3 of *Sladek* depicts a wireless network 110 with various components including a provisioning system 148, a home location register (HLR) 134, a service control point (SCP) 144, a signaling transfer point (STP) 128 and serving systems 138, 140. Both FIGS. 3 and 4 depict telecommunications arrangements with various telecommunications network elements. Neither FIG. 3 nor FIG. 4 teaches or suggests logically decomposing a telecommunications network into discrete functional areas. It is therefore respectfully submitted that the Claim 1 limitation of “creating and storing information that represents a logical decomposition of the next generation network into a plurality of discrete functional areas” is not taught or suggested by *Sladek*.

As another example, it is respectfully submitted that *Sladek* does not teach or suggest the Claim 1 limitation of “analyzing the information representing the functional areas to identify one or more provisioning requirements for each of the functional areas.” To the extent that *Sladek* describes identifying provisioning requirements, it is in the context of identifying provisioning requirements for subscribers. There is no mention or suggestion in *Sladek* of identifying provisioning requirements for functional areas of a next generation telecommunications network.

The final Office Action asserts that the limitation of “analyzing the information representing the functional areas to identify one or more provisioning requirements for each of the functional areas” is taught by the text in *Sladek* at Col. 6, lines 10-22 and Col. 7, lines 37-54. The text at Col. 6, lines 10-22 of *Sladek* describes generally how a subscriber may be provided a service overlay in response to a designated stimulus by modifying the subscriber’s base set of services, which may include adding, removing or changing services. The text at Col. 7, lines 37-54 of *Sladek* describes modifying a subscriber profile to impose one or more desired service parameters in response to detecting a designated stimulus. An SCP may be programmed with service logic to detect a stimulus and cause the change to the subscriber profile. Alternatively, a service provider or business entity can provision an SCP with service logic to make the change. Neither of these portions of *Sladek* in any way teach nor suggest identifying provisioning requirements for functional areas of a next generation telecommunications network. It is therefore respectfully submitted that the Claim 1 limitation of “analyzing the information representing the functional areas to identify one or more provisioning requirements for each of the functional areas” is also not taught or suggested by *Sladek*.

As yet another example, it is respectfully submitted that *Sladek* does not teach or suggest the Claim 1 limitation of “defining one or more provisioning procedures and identifying one or more required provisioning tools for each of the functional areas, based on the provisioning

requirements.” As previously mentioned herein, *Sladek* does not teach or suggest decomposing a telecommunications network into discrete functional areas or identifying provisioning requirements for the functional areas. The description in *Sladek* is directed generally to subscriber-specific provisioning. There is no teaching or suggestion of defining provisioning procedures and identifying required provisioning tools for each of the functional areas.

The final Office Action asserts that the limitation of “defining one or more provisioning procedures and identifying one or more required provisioning tools for each of the functional areas, based on the provisioning requirements” is taught by *Sladek* at Col. 16, line 66 through Col. 7, line 28. The text at this portion of *Sladek* describes how the provisioning system 148 of wireless network 110 depicted in FIG. 3 manages service profile information for subscribers and service logic to allow the modification of the profile information. There is no mention or suggestion in this portion of *Sladek* of defining provisioning procedures and identifying required provisioning tools for each of the functional areas. It is therefore respectfully submitted that the Claim 1 limitation of “defining one or more provisioning procedures and identifying one or more required provisioning tools for each of the functional areas, based on the provisioning requirements” is not taught or suggested by *Sladek*.

For at least these reasons, it is respectfully submitted that Claim 1 recites one or more limitations that are not in any way taught or suggested by *Sladek* and that Claim 1 is therefore patentable over *Sladek*.

#### CLAIMS 2-4

Claims 2-4 depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2-4 are patentable over *Sladek* for at least the

reasons set forth herein with respect to Claim 1. It is also respectfully submitted that Claims 2-4 recite additional limitations that independently render them patentable over *Sladek*.

#### CLAIMS 5 AND 6

Claim 5 includes all of the limitations recited in Claim 1 and also additional limitations that provide details about the logical decomposition and identifying the provisioning requirements. It is therefore respectfully submitted that Claim 5 is patentable over *Sladek* for at least the reasons set forth herein with respect to Claim 1.

Claim 6 depends from Claim 5 and includes all of the limitations of Claim 5. It is therefore respectfully submitted that Claim 6 is patentable over *Sladek* for at least the reasons set forth herein with respect to Claim 5. It is also respectfully submitted that Claim 6 recites additional limitations that independently render it patentable over *Sladek*.

#### CLAIMS 7-15

Claim 7 includes all of the limitations recited in Claim 1 and also additional limitations that clarify that the systematic analysis method is performed prior to actual provisioning of the next-generation network and that later provisioning of the network is performed according to the provisioning plan that is created in the steps that are recited in the body of Claim 7. It is therefore respectfully submitted that Claim 7 is patentable over *Sladek* for at least the reasons set forth herein with respect to Claim 1.

Claims 8-15 all depend from Claim 7 and include all of the limitations of Claim 7. It is therefore respectfully submitted that Claims 8-15 are patentable over *Sladek* for at least the reasons set forth herein with respect to Claim 7. Furthermore, it is respectfully submitted that Claims 8-15 recite additional limitations that independently render them patentable over *Sladek*.

In view of the foregoing, it is respectfully submitted that Claims 1-15 include one or more limitations that are not taught or suggested by *Sladek* and that Claims 1-15 are therefore patentable over *Sladek*. Accordingly, reconsideration and withdrawal of the rejection of Claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by *Sladek* is respectfully requested.

#### NEW CLAIMS 16-60

New Claims 16-60 contain limitations similar to Claims 1-15, except in different forms, and are therefore patentable over the cited references for at least the reasons set forth herein with respect to Claims 1-15. Specifically, Claims 16-30 recite limitations similar to Claims 1-15, except in the context of computer-readable media. Claims 31-45 recite limitations similar to Claims 1-15, except in the context of apparatuses. Claims 46-60 recite limitations similar to Claims 1-15, except in the context of apparatuses with elements recited in means-plus-function format.

#### CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on August 10, 2004 by

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